

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11-cv-00071-MR-DLH**

SYNOVUS BANK,

Plaintiff,

vs.

**BOKKE IV L.L.C., JAMES ELEY,
LAURA KELLY, JOHN KELLY, SR.,
MARLON NIEMAND, MARK P. KELLY,
JOHN G. RECKENBEIL, and SIMON
MANNION,**

Defendants,

vs.

KEITH VINSON, et al.,

**Third Party
Defendants.**

ORDER

THIS MATTER is before the Court on Defendant James Eley's Notice Bankruptcy Case Filing [Doc. 117-1].

A notice has been filed with the Court indicating that Defendant James Eley has filed a voluntary petition under Chapter 7 of the United States Bankruptcy Code. [Doc. 117-1]. The Court previously stayed this action pursuant the automatic stay provisions of 11 U.S.C. § 362 with

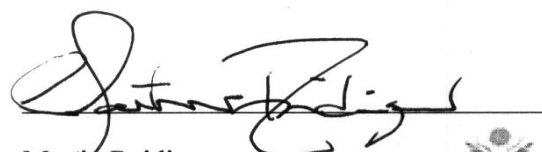
respect to the Plaintiff's claims against Defendant Eley. [Doc. 125]. Defendant Eley's third party claims, however, are not subject to the automatic stay. See In re Atlas IT Export, LLC, 491 B.R. 192, 195 (1st Cir. BAP 2013). Accordingly, the Court will direct the Bankruptcy Trustee to submit a report advising whether he intends to pursue this litigation.

IT IS, THEREFORE, ORDERED that within thirty (30) days of the entry of this Order, the Bankruptcy Trustee shall file a report regarding his determination regarding the prosecution of the third-party claims asserted by Defendant Eley in this action.

IT IS FURTHER ORDERED that the Clerk shall provide a copy of this Order to: John K. Fort, Bankruptcy Trustee, P.O. Box 789, Drayton, SC 29333, and Defendant Eley's bankruptcy attorney, Christopher M. Edwards, Moss & Associates, 11 Caledon Court, Suite D, Greenville, SC 29615.

IT IS SO ORDERED.

Signed: February 4, 2014


Martin Reidinger
United States District Judge

